

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
LEE PEARSON, JR.,)
)
vs.) No. 06-0105
)
PEOPLES GAS LIGHT AND COKE COMPANY))
Complaint as to service in)
Chicago, Illinois.)

Chicago, Illinois
April 11, 2006

Met pursuant to notice at 10:00 a.m.

BEFORE :

MS. EVE MORAN, Administrative Law Judge.

APPEARANCES :

MR. LEE PEARSON
7419 South Euclid
Chicago, Illinois 60649
Appearing pro se;

MR. MARK. L. GOLDSTEIN
108 Wilmot Road, Suite 330
Deerfield, Illinois 60015
Appearing for the Respondent.

SULLIVAN REPORTING COMPANY, by
Tracy L. Overocker, CSR

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I N D E X

<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>Re-</u> <u>direct</u>	<u>Re-</u> <u>cross</u>	<u>By</u> <u>Examiner</u>
Lee Pearson		24		34,55	31,35
Zenetra Weatherall	57	68	92	94	77

E X H I B I T S

<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
Respondent's Nos. 1-6	8	103
Complainant's No. 1	31	104
Peoples Gas No. 7	90	

1 (Whereupon, Respondent's
2 Exhibit Nos. 1-5 were
3 marked for identification
4 as of this date.)

5 JUDGE MORAN: Pursuant to the direction of the
6 Illinois Commerce Commission, I call Docket 06-0105.
7 This is the matter of Lee Pearson, Junior, versus
8 Peoples Gas Light and Coke Company; and it is a
9 complaint as to service in Chicago, Illinois.

10 May I have the appearances for the
11 record, please.

12 MR. GOLDSTEIN: On behalf of the Peoples Gas
13 Light and Coke Company, Mark L. Goldstein, 108 Wilmot
14 Road, Suite 330, Deerfield, Illinois 60015. My
15 telephone number is (847)580-5480.

16 I have with me as a witness this
17 morning Zenetra Weatherall, that's Z-e-n-e-t-r-a,
18 W-e-a-t-h-e-r-a-l-l.

19 JUDGE MORAN: Okay. And the Complainant is
20 also here.

21 MR. LEE PEARSON: I'm Lee Pearson, Junior.

22 JUDGE MORAN: Address?

1 MR. LEE PEARSON: P.O. box 81902 -- or do you
2 want home address? P.O. box is fine?
3 JUDGE MORAN: Give me both.
4 MR. LEE PEARSON: Okay. My home address is
5 7419 South Euclid in Chicago, 60649.
6 JUDGE MORAN: Okay. And your Post Office box
7 is?
8 MR. LEE PEARSON: P.O. Box 81902, Chicago
9 60681.
10 JUDGE MORAN: And where do you want to get
11 service of documents?
12 MR. LEE PEARSON: P.O. box.
13 JUDGE MORAN: The P.O. box?
14 MR. LEE PEARSON: Yes.
15 JUDGE MORAN: And your phone number?
16 MR. LEE PEARSON: (312)470-4664.
17 JUDGE MORAN: Okay. Thank you.
18 This case was up the first time on
19 March 7th and, Mr. Pearson, you failed to appear at
20 that time.
21 MR. LEE PEARSON: I did not receive
22 notification to be aware of it. The notification I

1 received was well after the fact and I have the
2 documentation to show that.

3 JUDGE MORAN: What happened with --

4 MR. LEE PEARSON: When I received the
5 notification, it was well after the time. When I
6 received it, it was -- advised me that I had missed
7 the date. That I was never informed of had occurred.

8 JUDGE MORAN: Okay.

9 MR. LEE PEARSON: So I'm glad you guys did send
10 me a certified -- something in the mail.

11 JUDGE MORAN: Okay. Good. Well, so, really,
12 this is the first time this is up.

13 Would the parties think it advisable
14 to have an opportunity to talk and work out what the
15 issues are?

16 MR. GOLDSTEIN: Well, Judge, this is an
17 unauthorized gas usage case.

18 JUDGE MORAN: Okay.

19 MR. GOLDSTEIN: And as far as we're concerned,
20 the usage is what it is. The bill follows the
21 unauthorized number of therms of unauthorized usage.
22 I don't know what else to say other than that. I

1 know that Miss Weatherall has spoken to Mr. Pearson
2 about this.

3 JUDGE MORAN: Okay.

4 MR. GOLDSTEIN: And I don't know what could be
5 gained by discussion other than the fact that as far
6 as we're concerned, Mr. Pearson owes over \$1,300 for
7 the unauthorized gas usage. I mean, that's the case
8 in a nutshell.

9 JUDGE MORAN: Okay. Are you ready to proceed
10 today?

11 MR. GOLDSTEIN: Yes.

12 JUDGE MORAN: You are. Okay.

13 Are you ready to proceed today?

14 MR. LEE PEARSON: As best I know I am.

15 JUDGE MORAN: Okay.

16 MR. GOLDSTEIN: We're going to need -- we have
17 exhibits that we're going to put in the record.

18 JUDGE MORAN: Okay. Have you marked them for
19 identification?

20 MR. GOLDSTEIN: Yes, I have them marked --

21 JUDGE MORAN: Okay.

22 MR. GOLDSTEIN: -- 1 through 6.

1 MR. LEE PEARSON: Can I ask a question?

2 JUDGE MORAN: Sure. Absolutely.

3 MR. LEE PEARSON: First and foremost, with
4 consideration to that documentation, I contacted them
5 for service over two years ago and at that time --

6 JUDGE MORAN: Okay. If you're talking about
7 the case, I'm going to have to swear you in and --
8 I'm going to have to swear you in also -- and we're
9 going to have to -- believe me, you are going to be
10 allowed to tell me your version of everything, so
11 don't worry about that.

12 MR. LEE PEARSON: All right.

13 JUDGE MORAN: What Mr. Goldstein is doing now
14 is more of a housekeeping matter to get the exhibits
15 out and you've provided Mr. Pearson with a copy?

16 MR. GOLDSTEIN: Yes, I have.

17 JUDGE MORAN: Okay. Great. So that we're not
18 bothered with that in the middle and so it doesn't
19 break up the follow of the proceeding. Okay?

20 MR. LEE PEARSON: That's fine.

21 JUDGE MORAN: All right. Let me swear in the
22 witnesses now, anybody that's going to testify.

1 (Witnesses sworn.)

2 JUDGE MORAN: And we can proceed.

3 Mr. Pearson, you're pro se. I'm going
4 to allow you to tell me about your complaint. I may
5 have some questions for you. Mr. Goldstein, the
6 attorney for Peoples Gas, will be able to
7 cross-examine you and essentially ask you questions.

8 MR. LEE PEARSON: That's fine.

9 JUDGE MORAN: Okay. And then the same thing
10 will happen when Peoples' witnesses testifies. I
11 will have questions for her, I'm sure. And you may
12 also ask questions, okay. So it's an evenly balanced
13 proceeding.

14 MR. LEE PEARSON: All right.

15 LEE PEARSON,
16 called as a witness herein, having been first duly
17 sworn, was examined and testified as follows:

18 EXAMINATION

19 BY

20 JUDGE MORAN:

21 Q All right. Mr. Pearson, you're bringing
22 this complaint. Please state your name address and

1 telephone number for the record.

2 A It's Lee Pearson. My address is

3 P.O. box 81902 in Chicago, 60618. My phone number is

4 (312)470-4664.

5 Q And how long have you lived at that

6 address?

7 A That's a P.O. box and I've had that for

8 over ten years.

9 Q Okay. But the address that you gave with

10 your appearance, how long have you lived there? I

11 mean, do you live there?

12 A My home address.

13 Q Yes.

14 A I've lived there 13 years.

15 Q And your home address is?

16 A 7419 South Euclid in Chicago 60649.

17 Q Okay. And who do you live with?

18 A My wife and three children.

19 Q Okay. And how long have -- have you been

20 married the whole time that you've --

21 A Yes.

22 Q -- been living there?

1 A Yes.

2 Q And your children are how old?

3 A 16, 10 and 6.

4 Q Okay. And is it a house or is it --

5 A It's a house.

6 Q -- an apartment?

7 A It's a house.

8 Q It's a house?

9 MR. GOLDSTEIN: Judge, I don't mean to

10 interrupt, but I believe the address that Mr. Pearson

11 is complaining about is different than his residence.

12 THE WITNESS: That is correct. That is

13 correct.

14 JUDGE MORAN: Okay. All right.

15 THE WITNESS: The address I'm making reference

16 to is an investment property that I own that's

17 located at 7354 and 56 South Peoria.

18 BY JUDGE MORAN:

19 Q Okay. And how long have you had this?

20 A I've owned it for approximately four years.

21 Q And what kind of property is it?

22 A It's a mixed use, storefront spaces and

1 three apartments.

2 Q Okay. And are the apartments on one floor
3 or are they on three floors? How does this --
4 describe this.

5 A The storefront, it's a two-story building.
6 The storefront space and the first floor apartment
7 are adjacent to one another on the first floor and
8 you have two apartments above each of those spaces on
9 the second floor.

10 Q Okay. And who -- do you rent those
11 apartments?

12 A I do. I rent the apartments but the
13 location in question is -- which is the storefront
14 space, I have never rented up until very recently.
15 It's been unoccupied for the entire four years with
16 the exception of about -- approximately two months
17 ago.

18 Q Okay. So almost the whole time that you've
19 owned this building, that storefront has not been
20 rented?

21 A No, not until approximately two months ago.

22 Q And who rents it now?

1 A His name is Mr. Jameson. My wife has all
2 the information. Mr. Jameson is his name and he's a
3 seamstress or something along those lines.

4 Q Okay.

5 A He makes clothes.

6 Q All right. And where do gas bills come in
7 on this? I mean, do your tenants have individual
8 meters and they --

9 A Yes. The tenants are responsible. Yes.
10 The tenants are responsible.

11 Q And they're responsible for --

12 A For their own utilities.

13 Q Okay. And what was happening on the first
14 floor when it was empty?

15 A Nothing was happening on the first floor.
16 It hadn't been used when I first purchased the
17 property. I engaged for gas service, which I believe
18 was approximately in 2002, 2003, somewhere in that
19 ball park and at that time, I did for that first
20 winter -- and I was new to the whole investment
21 scenario and it was my understanding -- everybody
22 said, hey you got to get heat in here so on and so

1 forth to prevent the pipes from bursting, which
2 that's what I did at that time. When the springtime
3 came of that following year, I contacted the Peoples
4 Gas and asked them to cease and desist the service
5 and I have the documentation associated with that.

6 In subsequent years I found more
7 creative ways to heat the apartments -- I'm sorry,
8 heating the space primarily by just winterizing it.
9 I would shut down all the water in the space because
10 it wasn't being occupied, it wasn't being used. It
11 was heating up the building through all the other
12 apartments.

13 There was hot water tanks in the
14 basement, so that was a non-issue. I would only have
15 to be concerned with those in the winter months when
16 it got extremely cold and in those scenarios, I would
17 use heaters and such because the gas was way too
18 costly for me to absorb. So I found creative ways to
19 do that.

20 Q Okay. About how big is that space, square
21 feet?

22 A It was approximately 1,000 to 1,200.

1 Q Square feet?

2 A Correct.

3 MR. GOLDSTEIN: What space are we talking

4 about? Are we talking about the store?

5 THE WITNESS: The storefront space.

6 BY JUDGE MORAN:

7 Q Which appears to be the space at issue --

8 A Correct.

9 Q -- in this case?

10 A That's correct.

11 Q You mentioned that there's some

12 documentation you have about asking Peoples to shut

13 off service?

14 A Oh, well I called in and -- I called in and

15 basically said -- I'm sure I have a final bill, I

16 don't if I have that with me now but I know that when

17 I contacted them, they did end the service and that

18 was approximately -- I want to say 2003 -- I'm sorry

19 hold on a second, I do -- I ran in here and I'm

20 trying to see my notes here associated with when I

21 actually had -- I'm sure they have regard of when I

22 called to establish and when I called to end service.

1 Yeah, I called to terminate service in June of 2003
2 it appears or sooner. 2003 is when I ended the
3 service.

4 Q Okay. What exactly brings you here,
5 Mr. Pearson?

6 A I called to reestablish service in -- I
7 want to say approximately -- it was December 12th,
8 2005 --

9 Q Okay.

10 A I called to reestablish service because I
11 knew that someone was going to be renting the space
12 and in doing so, I wanted to do some preparation to
13 have the heat on so on and so forth, for the tenant
14 that was going to be moving in.

15 Q Okay. And that was in December?

16 A December 12th, 2005.

17 Q Okay. And what happened?

18 A I was given an account number and they told
19 me that I needed to call back later that day or the
20 next day to find out whether or not service had been
21 established and I think they said I needed to speak
22 with the credit department or something. So when I

1 spoke with the credit department, I spoke with
2 Mr. Espinoza and he explained a condition had been
3 placed on the account as -- they had recorded usage
4 after the determination of June of 2003 and he stated
5 the matter was under investigation. He stated that
6 the matter was under investigation.

7 Q Okay.

8 A And that's when I found out at that time
9 that they will recorded or expressed some concern
10 with regard to unauthorized usage. My immediate
11 question to him was, if there was a concern
12 associated with the usage, why was I not contacted?
13 Here it is 2, 2 and a half years later, no
14 correspondence, no nothing. I was the last person of
15 record associated with the property, so if you had a
16 concern with that, why was I not contacted? No phone
17 call, no e-mail, no smoke signal, no nothing. So
18 then all of a sudden when I go to establish service,
19 I find this out and all of a sudden I've got this big
20 battle on my hands and as far as I'm concerned,
21 getting -- the meters are in a community space in the
22 basement, the tenants have access to it, so on and so

1 forth. So if there was any tampering of any sort,
2 number one, I had no knowledge of that. I didn't use
3 the property to be in and out of it to even recognize
4 or be concerned with anything associated with the gas
5 abuse. Maybe to my ignorance, I didn't know I needed
6 to check the gas meters with any type of frequency to
7 see, oh, geese, this dial is turned when it shouldn't
8 be, I had no idea. So that's when this all came into
9 play, in the summer of 2005?

10 Q Okay. All right. Had you received any
11 bills off of that meter of June 2003 until?

12 A Not one.

13 Q Not one?

14 A Not one. I received a final bill at that
15 time back in 2003. I paid it. And to my knowledge,
16 it was a done deal.

17 Q Okay. Is there anything else you want to
18 say in support of your complaint or any documents
19 that you want to put in?

20 A My goal here -- although I no longer need
21 the service in my name, I want this bill cleared.
22 It's clearly unrelated to me and I feel that I'm

1 being pun- -- unjustly -- any name they can get to
2 tack this onto, that's what they're trying to do
3 here. If they were sincere in my opinion about
4 wanting to address the concern, then they should have
5 done it properly. Don't contact me 2, 2 and a half
6 years later when I actually contacted you to
7 establish service and then you bring this concern up.

8 Q Let me ask you, you've got other tenants in
9 that building?

10 A Correct.

11 Q Three other tenants --

12 A Yes.

13 Q -- am I understanding that correctly?

14 A Mm-hmm.

15 Q How long have they lived there?

16 A I have had turnover.

17 Q You have?

18 A Yeah.

19 Q Okay.

20 A The current tenants are all new, actually,
21 within the last couple of months. I've had to
22 evictions, so on and so forth, with previous tenants.

1 JUDGE MORAN: Okay. All right. I don't have
2 any more questions. Is there anything else you want
3 to state?

4 THE WITNESS: Not at this time.

5 JUDGE MORAN: I'm going to let Mr. Goldstein
6 ask you questions and then I may also have some
7 follow-up questions. You may also have other things
8 you may want to bring out. All right.

9 CROSS-EXAMINATION

10 BY

11 MR. GOLDSTEIN:

12 Q Mr. Pearson, when did you get ownership of
13 the -- 7358 South Peoria?

14 A May of 2002.

15 Q And you applied for gas service in your
16 name at that time?

17 A No, I did not.

18 Q When did you apply for gas service?

19 A I'm sure it would have had to have been the
20 fall of 2002.

21 Q Okay. And you are aware that the gas
22 service was turned off to the first floor at 7358

1 South Peoria on June 3rd of 2004; is that correct?

2 A I'm thinking it would have been 200- --

3 Q I'm sorry, 2003.

4 A Correct.

5 Q I'm sorry, I misspoke.

6 Now, you rented this space in December

7 of 2005, at least the store space; is that right?

8 A No, I did not. I rented the space in

9 approximately February, March of this year.

10 Q And did you apply for service prior to

11 that?

12 A I applied for service in December of 2005.

13 Q And -- now, I'm a little confused as to

14 what is on each floor of your property at 7358 South

15 Peoria. There's a storefront?

16 A Yes.

17 Q And is that considered the first floor?

18 A Yes.

19 Q And then there are two floors above that?

20 A One floor above that.

21 Q And there's one floor above that?

22 A Yes.

1 Q And is there anything else on the first
2 floor other than the store?

3 A There is an apartment adjacent to it.

4 Q Okay. And how is heat provided to that
5 apartment adjacent to the store?

6 A All of the -- they have their own
7 individual furnaces. Furnace -- individual furnaces
8 in each space.

9 Q And is there a tenant occupying that first
10 floor?

11 A As of February, March of this year.

12 Q Between the time that you became the owner
13 of the property in May of 2002 through February of
14 this year, was that apartment occupied?

15 A No, it never has been.

16 Q Okay.

17 A You're talking about storefront space.

18 Q Pardon me?

19 A You made reference to an apartment, it's a
20 storefront.

21 Q You said there was an apartment adjacent to
22 the store --

1 A On the first floor, that's correct.

2 Q Now, what is the address --

3 JUDGE MORAN: Excuse me. Maybe we need to

4 clear that up -- what we're talking about.

5 Storefront space versus first floor back apartment.

6 Is that --

7 BY MR. GOLDSTEIN:

8 Q You said there's a apartment adjacent --

9 A Let me clarify.

10 Q -- to this store; is that right?

11 A Let me describe it for you.

12 JUDGE MORAN: Yes. Yes. Because we all need

13 to get on the same page, please.

14 THE WITNESS: Here is -- the storefront space

15 sits on the corner (indicating). It's a building

16 like such (indicating), in the middle you've got

17 first floor apartment, go upstairs; second floor

18 (indicating), second floor; the storefront space is

19 beneath the --

20 JUDGE MORAN: The second floor apartment?

21 THE WITNESS: Correct. It's beneath it. So

22 when I say it's adjacent, I mean if you come in this

1 (indicating) you can enter the storefront space at
2 the corner, the building sits on a corner, so you can
3 enter it at a corner (indicating); and you've got the
4 main foyer to enter the apartment, first floor
5 apartment go up to the second floor apartments.

6 BY MR. GOLDSTEIN:

7 Q All right. What is the address of --

8 JUDGE MORAN: Hold on. Hold on. Hold on.

9 THE WITNESS: It's 7358 South Peoria.

10 BY MR. GOLDSTEIN:

11 Q And what is the address of the first floor
12 apartment?

13 A 7354. It's -- 7354 through 56 represents
14 the apartments. 7358 represents the storefront
15 space.

16 Q And how is heat provided to the 7358 South
17 Peoria storefront?

18 A There's a stand alone furnace in the
19 storefront space.

20 Q And would there be, also, a hot water
21 heater that would provide hot water --

22 A Hot water.

1 Q -- gas hot water to that --

2 A Hot water tank is in the basement.

3 Q And that would be -- that hot water tank
4 would provide hot water to the storefront space --

5 A That's correct.

6 Q -- is that right?

7 A That's correct.

8 Q Now, would you agree with me that if the
9 meter for the store recorded usage between the time
10 that the service was terminated in June of 2003 for a
11 period through 2005, that you, as the owner of the
12 store, would be responsible for that gas usage?

13 A No, I would not agree with you.

14 Q Why not?

15 A I wouldn't agree with you first and
16 foremost because I terminated the service, so to my
17 knowledge, the service was terminated. I wouldn't
18 have any -- I didn't have any knowledge of any
19 service being used thereafter, so I couldn't agree
20 with you knowing that if I was using it, then, yeah,
21 I would agree with you but I wasn't using it. There
22 was no one in the space.

1 Q So if I could prove to you that there was
2 gas usage showing on that meter, would you then agree
3 with me that you should be responsible for the number
4 of therms that were used at that space?

5 A Only if we were in agreement that we went
6 to an arbitrary party, which is not the case. If I'm
7 just supposed to accept your documentation as
8 factual, no.

9 And I would further ask -- Peoples
10 Energy is a multi-gazbillion (phonetic) dollar
11 company and they have all the technology in the world
12 to acknowledge any type of remote -- any type of use
13 thereafter, so if they had acknowledged and recorded
14 this use, why would they wait such a long time? And
15 I contact them versus them contact me, so I'm
16 completely off guard. You guys can easily cut off
17 service just like that. So if there was on concern
18 that X, Y, Z person terminated service on a certain
19 date, why thereafter would they not, number one, kill
20 the service if they know it's being used illegally
21 and then contact that person or at least the person
22 of that record and say, Hey, we've got a concern

1 here?

2 JUDGE MORAN: If I can interrupt here for a
3 minute. I've got a sheet of paper here that I'm
4 marking as Complainant's Exhibit No. 1 for
5 identification.

6 (Whereupon, Complainant
7 Exhibit No. 1 was
8 marked for identification
9 as of this date.)

10 FURTHER EXAMINATION

11 BY

12 JUDGE MORAN:

13 Q Mr. Pearson, I want you to draw for me your
14 building the way you described it because we don't
15 have a record when we do hand gestures and it's
16 something that I may want to refer back to or the
17 Commission would when they decide the case.

18 A As long as it's understood that my drawing
19 skills are less than -- as long as that's understood.

20 Q Not to worry. Not to worry. Just so I can
21 get a better understanding.

22 A I'll do my best here.

1 Q Because I, too, thought the first floor and
2 the storefront were adjacent; but from what you
3 represent here today, it seems it's a different
4 setup.

5 JUDGE MORAN: And I assume you have no
6 objection, Mr. Goldstein?

7 MR. GOLDSTEIN: I guess not. I haven't been
8 out to the premise to argue with him.

9 THE WITNESS: This is to the best of my ability
10 here.

11 JUDGE MORAN: Thank you.

12 Mr. Goldstein, you want to come here
13 and maybe your witness, too, so that we can all
14 understand.

15 MR. GOLDSTEIN: I don't believe Ms. Weatherall
16 has been out to the property.

17 BY JUDGE MORAN:

18 Q Am I looking down or am I looking at a
19 front?

20 A This would be the front. Okay. This --
21 I'm sorry, this would be Peoria (indicating).

22 Q Okay.

1 A And this will be 74th Street (indicating).
2 Q Okay. So the front of the building faces
3 Peoria?
4 A It's on Peoria.
5 Q Okay.
6 A The entrance into the storefront space will
7 technically be at the corner here (indicating), right
8 here (indicating) on 74th.
9 MR. GOLDSTEIN: So this apartment is above the
10 store?
11 THE WITNESS: That's correct.
12 MR. GOLDSTEIN:
13 Q And then there are two apartments, one on
14 the first floor and one on the second?
15 THE WITNESS: Right. And that's what I mean
16 about being adjacent to the --
17 BY JUDGE MORAN:
18 Q Okay. And there's a stairwell going up in
19 front?
20 A Stairwell, which would be the main foyer
21 entry into the building or storefront space you come
22 in here.

1 Q And there's also a basement --

2 A Yes.

3 Q -- in this building?

4 A Yes, there is.

5 Q Okay. Where are the meters?

6 A In the basement.

7 Q All the meters are in the basement?

8 A Yes.

9 Q For all --

10 A That's correct.

11 Q For all the units?

12 A That's correct.

13 Q Okay. Thank you. Thank you very much?

14 MR. GOLDSTEIN: I guess I only have one more

15 question for Mr. Pearson.

16 JUDGE MORAN: Okay.

17 RE-CROSS-EXAMINATION

18 BY

19 MR. GOLDSTEIN:

20 Q Just so I'm clear on your testimony,

21 Mr. Pearson, between June of 2003 to December of 2005

22 when you applied for service again, is it your

1 testimony that you never went down in the basement to
2 view the gas meters for the building to determine if
3 there was any usage on those meters?

4 A I viewed the gas meters several times over
5 the course of 2, 2 and a half year period. Now, was
6 I going to go in and inspect the gas meters? No.
7 I'm in the basement doing various things for X, Y, Z
8 reasons. I'm never going to purposely inspect the
9 gas meters for usage.

10 Q So you never looked at them to see whether
11 there was any usage being recorded on those meters?

12 A Right. I never had any reason to.

13 Q Okay. Do you know whether the furnace that
14 was for the store, do you know whether that furnace
15 was on or off?

16 A It was off.

17 Q What about the hot water tank?

18 A It was off as well.

19 MR. GOLDSTEIN: I have nothing else.

20 JUDGE MORAN: Okay.

21 FURTHER EXAMINATION

22 BY

1 JUDGE MORAN:

2 Q Mr. Pearson, the last contact you had with
3 Peoples Gas when you sought to reestablish service,
4 they indicated what, that you owed a certain amount
5 of money?

6 A No. They told me that it was under
7 investigation and through further dialogue, I had
8 come to find out that there was this unauthorized
9 usage associated with the meter. I didn't find that
10 out right away. I found that out on the 13th of
11 December that it was under investigation and they
12 would not establish service as a result of it.

13 Q Okay. But you also mentioned something in
14 your complaint about a \$1,306 --

15 A That's the statement.

16 Q What was that?

17 A It was actually 1,366.05 that I received.

18 Q Okay.

19 MR. GOLDSTEIN: We have a copy of that bill as
20 Respondent's Exhibit 5, Judge.

21 JUDGE MORAN: Okay. Fine. I just want to make
22 sure everything is in the record.

1 I'm going to -- on your behalf, put
2 this into the record as Complainant's Exhibit No. 1.
3 Is there any objection to that being in the record?

4 MR. GOLDSTEIN: I have no objection.

5 JUDGE MORAN: Thank you. This will certainly
6 help me. And are there any other papers that you
7 think are important to your case that you want to put
8 into the record?

9 MR. LEE PEARSON: I've got my personal notes
10 associated with -- from the point of December 12th
11 when I called and subsequent conversations I've had
12 with various folks between Peoples Energy and
13 Illinois Commerce Commission. I'm not sure if that
14 would be of any value but that's my personal notes
15 just recording the discussions.

16 MR. GOLDSTEIN: I obviously would object to
17 those notes.

18 MR. LEE PEARSON: I'm sorry?

19 MR. GOLDSTEIN: If he wants to refer to them --

20 JUDGE MORAN: Yes. You can certainly testify
21 to them if there's anything important in those notes
22 that you think you want to put into the record, I

1 will certainly allow you to read or to testify to
2 that.

3 What about all those other papers, is
4 there anything in there that's important?

5 MR. LEE PEARSON: I've received a litany of
6 bills from them from the time they were able to
7 attach my name to it, that's the extent of that and
8 just --

9 JUDGE MORAN: Those are just recent bills?

10 MR. LEE PEARSON: Yes. Yes.

11 JUDGE MORAN: And you're probably covering
12 that, Mr. Goldstein?

13 MR. GOLDSTEIN: I just have the one bill that
14 is the bill that Mr. Pearson refers to in his
15 complaint.

16 MR. LEE PEARSON: And I do have one question
17 for the attorney with regard to this bill -- and you
18 guys make reference to therms or whatever term you
19 use -- that was used, who recorded these therms?

20 MR. GOLDSTEIN: We'll get into that in our
21 testimony.

22 JUDGE MORAN: Okay. Let me ask you something

1 else.

2 BY JUDGE MORAN:

3 Q You said -- when you ended your service on
4 that storefront in 2003, you had other tenants in
5 those three apartments?

6 A Yes.

7 Q And those tenants are not -- no longer
8 tenants?

9 A Correct.

10 Q Because you now have all new tenants?

11 A That's correct.

12 Q Would you be able to testify to who those
13 tenants were --

14 A Certainly.

15 Q -- and their length of stay --

16 A Yes.

17 Q -- at your building?

18 A Mm-hmm.

19 Q Okay. Give me that information. Let's
20 start with the first floor apartment?

21 A Okay.

22 Q In 2003 who was living there?

1 A It was Yvonne and Donald Coleman.

2 Q Yvonne?

3 A Right.

4 Q And Donald --

5 A Coleman.

6 Q Coleman. All right.

7 A Now, I'd have to go into my laptop to

8 confirm when they actually moved out; but they moved

9 based upon an eviction I went to court for.

10 Q You evicted them?

11 A Yes.

12 Q Okay. And when did you evict them?

13 A That would have had to have been 2004,

14 maybe. Like I said, I have to go into my records to

15 be certain but I'll guesstimate it was 2004.

16 Q Okay.

17 MR. GOLDSTEIN: Is that at the 7354 address?

18 THE WITNESS: Yes, it is.

19 BY JUDGE MORAN:

20 Q And when did they move in, do you remember?

21 A They were there --

22 Q They were there when you bought the

1 building?

2 A No.

3 Q No, they weren't.

4 A They moved in maybe December of 2003.

5 Q Okay. December --

6 A Hold on. Let me get that right. November

7 or December of 2003 from what I recall.

8 Q Okay. So either November or December 2003

9 and then they were evicted in 2004?

10 A Either it was...

11 Q And that can take a while to evict someone?

12 A Yeah. Yeah.

13 Q So from the time you served notice --

14 A Oh, yeah, they were there easily I would

15 say a year or so. It had to be 2004. Mid to later

16 part of 2004 I'm thinking.

17 Q Okay. And then who moved in after them?

18 A Caroline Vance (phonetic).

19 Q Caroline?

20 A Vance.

21 Q Okay. And when did they move in, like,

22 right after?

1 A She moved in shortly thereafter, maybe a
2 month or so.

3 Q Okay.

4 A Ultimately I had to evict her as well.

5 Q All right. When did you evict her?

6 A She just moved out January 2nd or 3rd of
7 this year.

8 Q Okay.

9 A And as a matter of fact as it relates to
10 her, I contacted Peoples Energy because I had reason
11 to believe that she was using the gas illegally and I
12 contacted and reported that to Peoples Energy
13 probably May or earlier of 2005.

14 Q You contacted Peoples Energy?

15 A I did.

16 MR. GOLDSTEIN: I'm going to object to this,
17 Judge, if I may. I might as well put an objection on
18 the record. I would note for the record that
19 Mr. Pearson's complaint is for the first floor and
20 7358 South Peoria. This first floor apartment is at
21 7354 South Peoria. Obviously we have no information
22 with us today with respect to what may or may not

1 have occurred at a different address and a different
2 meter and so forth.

3 MR. LEE PEARSON: But what I would like to
4 state to that and I don't know how I talk to an
5 objection, all the meters share the same space.
6 So --

7 JUDGE MORAN: Yeah. But you're telling me they
8 share the same physical space?

9 MR. LEE PEARSON: Correct. I mean, they're
10 right there together. So the address issue is a
11 non-issue because they're all right there together
12 and the gas comes through the meters.

13 JUDGE MORAN: I understand what you're saying
14 and I think Mr. Goldstein understands what you're
15 saying but he's also saying that their records go by
16 addresses, don't they?

17 MR. GOLDSTEIN: Yes.

18 JUDGE MORAN: And that may be the problem. You
19 may be bringing in something today that they're not
20 prepared to respond to. I'm going to let it in.
21 We're going to see where it goes. If necessary, you
22 can certainly respond to it when --

1 MR. GOLDSTEIN: Not today.

2 JUDGE MORAN: When you're prepared to do so;
3 but I want to get a full picture. It is one
4 building. I understand there are two addresses,
5 okay.

6 BY JUDGE MORAN:

7 Q Continue. You said this Caroline Vance
8 moved in within a month after the Colemans got
9 evicted?

10 A I would say it was a month or 60 days,
11 somewhere around there.

12 Q All right. And she, herself, was evicted
13 in June of 2006?

14 A No. No. She was he -- I received -- in
15 December of 2005 I was awarded by the Court my space
16 back. She moved out approximately January 2nd or 3rd
17 of 2006. So what I'm saying there is after going
18 through the court and being awarded, hey, you are due
19 to receive your space back and she has to move on,
20 then she had a period of time to move out and over
21 the winter months -- I'm sorry, over the two or three
22 weeks their time, the sheriff was scheduled to come

1 out.

2 Q I see. Okay.

3 A And she moved, like, a day or two before
4 the sheriff was supposed to come out.

5 Q Okay. So the Court found in favor of
6 having her evicted but she moved out before the
7 actual formal eviction took place?

8 A That's correct. That's correct.

9 Q And that was in January 2nd or 3rd of this
10 year --

11 A That's correct.

12 Q -- 2006?

13 A That's correct.

14 Q Now, you had indicated something that you
15 had made a complaint to Peoples about her and why?

16 A I'm sorry?

17 Q You indicated you made a complaint --

18 A Right.

19 Q -- to Peoples --

20 A Energy.

21 Like I said, I don't recall the
22 specific time frame, but I had reason to believe that

1 she was using the gas service illegally.

2 Q Why?

3 A To be honest, I don't recall what it was
4 that brought it about. I honestly forget what it was
5 that -- I forget what it was that made me have that
6 concern and I expressed it with her head on and --

7 Q Well, was it something you seen? Was it
8 something you heard?

9 A It was something that I heard. I believe
10 someone may have even called me, it may have been
11 what it was. I don't recall what it was but I just
12 know that -- I may have gotten an anonymous, I
13 believe that's what it was. It was a friend of
14 her's -- but that's what it was. I received an
15 anonymous call, I went over there and inquired with
16 her about it because she was a Section 8.

17 MR. GOLDSTEIN: Judge, I don't mean to object
18 to this but this is total rank hearsay and I don't
19 believe it has any -- serves any purpose for this
20 record. So, if you would note my continuing
21 objection.

22 JUDGE MORAN: I know your objection.

1

2 BY JUDGE MORAN:

3 Q Okay. So you just think it was a telephone
4 call that someone --

5 A Yes, it was.

6 Q All right. Now, when Caroline left in
7 January 2003, 2006, what happened? Who got moved
8 in -- who moved in?

9 A Currently Miss Watkins is -- I don't know
10 her first name.

11 Q Okay. Miss Watkins moved in?

12 A Right. And she just moved in less than
13 30 days ago.

14 Q Pardon me?

15 A She just moved in approximately 30 days or
16 less ago.

17 Q So that would have been in March?

18 A Yes.

19 Q Now, above this first floor apartment,
20 directly above that according to this --

21 A That will be 2 North.

22 Q -- drawing, would be a second floor

1 apartment. And what do you call that, 2 North?

2 A 2 North.

3 Q Okay.

4 A Tesha Taylor resided in the space.

5 Q How do you spell that?

6 A T-e-s-h-a.

7 Q Okay. Tesha?

8 A Taylor.

9 Q Taylor.

10 And was she living there when you got
11 the building?

12 A No.

13 Q Okay.

14 A She moved in the later part of -- it was
15 the later part of 2003 or the beginning of 2004.

16 (Phone Interruption.)

17 Excuse me. She just moved out
18 January 2nd of 2006.

19 BY JUDGE MORAN:

20 Q She moved out January 2nd, 2006?

21 A Mm-hmm.

22 Q She wasn't evicted?

1 A No.

2 Q No, okay. All right. The second floor
3 apartment that is directly above the storefront, what
4 do you call that, 2 South?

5 A Correct.

6 Q All right. Who lived there when you bought
7 the building?

8 A Okay. I got to remember their names.
9 Jesse and Ophelia Davis.

10 Q Okay.

11 A And they moved in approximately -- either
12 it was December of 2003 or it was mid-January 2004.
13 It might have been Januaryish 2004 -- 2003 or 2004, I
14 forget.

15 Q Okay. So that apartment was not rented
16 when you bout the building?

17 A No.

18 Q Okay.

19 A The building was completely vacant --

20 Q Okay.

21 A -- when I purchased it.

22 Q I see. So you just started getting these

1 tenants in --

2 A Mm-hmm.

3 Q -- after you bought it? Okay.

4 So the first person on that second

5 floor above the storefront was Jesse and Ophelia

6 Davis?

7 A Correct.

8 Q And they moved in in 2004 and how long have

9 they been there?

10 A They stayed for a little over a year.

11 Q When did they move out?

12 A They moved out in 2005. They moved out in

13 2005. They stayed a little over a year. They moved

14 out in 2005.

15 Q Well, was it the winter?

16 A They moved out in the springish of 2005 I

17 want to say.

18 Q Okay. And then who moved in?

19 A I can see this lady's face but I can't

20 think of her name and the only reason was is she

21 stayed for less than six months. She stayed three or

22 four months. I'd have to call my wife and ask her

1 today.

2 Q Okay. So you had tenant X --

3 A Correct. I have her name. It's just
4 escaping me at the moment.

5 Q -- for -- and she stayed for only three or
6 four months?

7 A She stayed no more than six months I want
8 to say.

9 Q Okay. So she stayed for six months. She
10 didn't stay there during the winter because if the
11 Davises moved out in spring, then she would have
12 moved in, she would have been there for the summer?

13 A Yeah. Through the summer and a part of the
14 fall because the gas was an issue with her because
15 she was complaining about the gas bill being too high
16 and she couldn't afford the apartment in addition
17 fought gas. So she was there in the fall.

18 MR. GOLDSTEIN: Objection, again, Judge.

19 JUDGE MORAN: I understand. I will note your
20 objection.

21 THE WITNESS: So she was there during the
22 winter months. Like I said, I just don't recall

1 exactly when she moved out.

2 BY JUDGE MORAN:

3 Q Okay. After tenant X moved out, who moved
4 in?

5 A It was vacant for approximately two to
6 three months, something like that, and we just had
7 Shenise Hunter move in.

8 Q Okay. Her name, please.

9 A Shenise Hunter.

10 Q S- --

11 A S-h-e-n-i-s-e, Hunter, H-u-n-t-e-r.

12 Q And she moved in when?

13 A She just recently moved in within the last
14 60 days.

15 Q Okay. We're in April. Did she move in in
16 February? Did she move in in March?

17 A I want to say it was later part of
18 February, early March. It's been less than 60 days.

19 Q Okay. When did she pay her first month's
20 rent? Was it for March or was it for February?

21 A It was for -- she paid a prorated --
22 February I want to say.

1 Q Okay.

2 A And then March. And the only reason it's
3 not the forefront is my wife handles all of that.

4 Q Oh, she's handling all of the checks? You
5 need to have her here.

6 A You guy's seem to like that for some
7 reason.

8 Q Okay. Okay. I think I have enough history
9 on this. Let me ask you, this second floor apartment
10 that's above the storefront space that appears on
11 this drawing, does that have the same address as the
12 storefront space?

13 A Interestingly enough, it doesn't. That's
14 considered 7356.

15 Q Okay. So, wait, all of these have
16 different street numbers?

17 A 7354 represents the apartment above.

18 Q You know what, I'm going to ask you -- I'm
19 going to show you Complainant's Exhibit No. 1 again
20 and I want you to write me down which apartments go
21 to which street numbers, how about that?

22 A All right. This 7354 (indicating), first

1 floor south. This is 7354 (indicating), second floor
2 north. This is 7356 (indicating), second floor and
3 this is 7358 (indicating).

4 Q Okay. Thank you.

5 JUDGE MORAN: And if you need to look at
6 these --

7 MR. GOLDSTEIN: I assume that somewhere along
8 the line we will get a copy.

9 JUDGE MORAN: I will definitely give you a copy
10 of this.

11 MR. GOLDSTEIN: All right. That's fair enough.

12 JUDGE MORAN: I realize we're getting close on
13 11:00 o'clock and the only problem with that is that
14 we have someone calling in from --

15 MR. GOLDSTEIN: It's 1:00 o'clock. I believe
16 it's at 1:00 o'clock, the hearing.

17 (Discussion off the record.)

18 JUDGE MORAN: Do you want to take a break? I
19 can make a copy of this.

20 MR. GOLDSTEIN: Let me ask one or two questions
21 for my own purposes --

22 JUDGE MORAN: Sure.

1 MR. GOLDSTEIN: -- before we take a break and I
2 don't think I'll have anything else of the witness.

3 Is there anything else that he's going
4 to put in after we take the break?

5 JUDGE MORAN: I don't think so. You have no
6 other documents.

7 MR. LEE PEARSON: I don't think so but I'll see
8 as we continue the dialogue.

9 RE-CROSS-EXAMINATION

10 BY

11 MR. GOLDSTEIN:

12 Q Can you provide for me, Mr. Pearson, a copy
13 of all the leases for the various tenants that we've
14 listed for the various properties at 7354, 7356 --
15 7354 through 7356 South Peoria?

16 A Certainly I cannot in this setting; but,
17 yes, I can.

18 Q All right. Would you also provide for me
19 all of the court documents with respect to the
20 various evictions that you testified to,
21 particularly, for the 7354 property?

22 A Sure I can but I'll be quite honest with

1 you, I probably will confer with my attorney first
2 before I provide you with the documentation. I'm not
3 sure it's pertinent at this point. I have it
4 available but I'm not saying in this particular
5 setting --

6 Q I quite agree with you it's not relevant;
7 but it seems to have been made relevant this morning.
8 Is it your testimony that with respect to the two
9 apartments at 7354 South Peoria and the apartment at
10 7356 South Peoria, that those three apartments were
11 separately metered from the store?

12 A Yes.

13 Q All right. And is it also your testimony
14 that the various tenants who occupied the premises
15 between 2003 and December or January of 2000 --
16 December of 2005 to January 2006 were customers of
17 Peoples Gas during that period of time?

18 A I can only speculate that the reason
19 being -- Peoples Gas shares no information with me
20 associated with those tenants.

21 Q So you have no knowledge of that
22 independently; correct?

1 A Correct.

2 MR. GOLDSTEIN: We have no information with us
3 today either.

4 I have nothing else. This is a good
5 time to take a break.

6 JUDGE MORAN: Okay. We'll take a break and
7 then Peoples will --

8 MR. GOLDSTEIN: We'll start with --

9 JUDGE MORAN: -- put on their case.

10 MR. GOLDSTEIN: -- Ms. Weatherall.

11 (Recess taken.)

12 JUDGE MORAN: Okay. We're back from break and
13 I believe we will be starting with the Respondent?

14 MR. GOLDSTEIN: Yes, I'd like to call Zenetra
15 Weatherall to the stand.

16 ZENETRA WEATHERALL,
17 called as a witness herein, having been previously
18 duly sworn, was examined and testified as follows:

19 DIRECT EXAMINATION

20 BY

21 MR. GOLDSTEIN:

22 Q Miss Weatherall, can you state your name

1 again for the record?

2 A Zenetra Weatherall, Z-e-n-e-t-r-a, last
3 name Weatherall, W-e-a-t-h-e-r-a-l-l, 130 East
4 Randolph Drive Chicago, Illinois 60601.

5 Q And your employed by Peoples Energy?

6 A Yes.

7 Q The Peoples Gas Light and Coke Company?

8 A Yes, sir.

9 Q And what is your position with Peoples Gas?

10 A I'm a billing specialist.

11 Q And you are familiar with the account of
12 Lee Pearson at 7358 South Peoria; is that correct?

13 A Yes, I am.

14 Q And what is the basis of your familiarity?

15 A Basically with this case, Mr. Pearson is
16 being billed for --

17 Q No. I'm asking how did you become familiar
18 with the case?

19 A I received a complaint from the Illinois
20 Commerce Commission.

21 Q And you handle both -- you handle the
22 informal portion of that complaint; is that right?

1 A Yes.

2 Q And how long have you been employed by
3 Peoples Gas?

4 A Since September 19th, 1999.

5 Q And before you became a billing specialist,
6 what other positions did you hold at the company?

7 A I was customer service representative in
8 the call center for approximately two years.

9 From there, I went in to the billing
10 department.

11 And then from there, I went to
12 investigate complaints with the Illinois Commerce
13 Commission.

14 Q How long have you been a billing specialist
15 with Peoples Gas?

16 A For approximately four years.

17 Q Let me hand you what has been marked as
18 Respondent's Exhibit 1 and you've heard the testimony
19 of Mr. Pearson this morning about his service being
20 turned off at the first floor at 7358 South Peoria;
21 is that correct?

22 A Yes.

1 Q And the -- what does Respondent's Exhibit 1
2 show?

3 A The exhibit shows that services were
4 terminated on June the 14th of 2003.

5 Q Is there anything else that you would like
6 to point out about this exhibit before we go on to
7 the next one?

8 A No.

9 Q Let me show you what has been marked as
10 Respondent's Exhibit 2. Could you describe what is
11 contained on this exhibit?

12 A This is a service order dated for June the
13 14th of 2003 showing that a service person visited
14 this premise. It also shows that the service is
15 being disconnected per Mr. Pearson's request and it
16 shows the index that was taken at the time the
17 services were cut off, which is an index of 3109. At
18 that time, the meter was locked.

19 Q And when you say "the index was taken,"
20 that's the meter reading on the meter at 7358 South
21 Peoria on that particular date of June 14th, 2003; is
22 that correct?

1 A That is correct.

2 Q Is there anything else you want to point
3 out about that exhibit?

4 A No.

5 Q Let's turn to Respondent's Exhibit 3.
6 Could you describe what is contained on Respondent's
7 Exhibit 3 that's been marked for identification?

8 A In Exhibit 3, these are readings that are
9 recorded for meter No. 2697362. There is an
10 automatic meter reading device on this meter which
11 allows us to read this meter electronically monthly
12 from the outside. This would basically indicate that
13 usage has taken place every single month because the
14 indexes have changed from month to month.

15 MR. LEE PEARSON: Can I ask a question?

16 JUDGE MORAN: Wait a minute.

17 BY MR. GOLDSTEIN:

18 Q And what was the read dates of the various
19 meter readings?

20 A A reading was taken on October the 21st of
21 2004. The next month a reading was taken on November
22 the 19th, 2004. The next month, December 22nd of

1 2004; January 21st of 2005; February the 22nd of
2 2005; March 24th, 2 005; April 22nd, 2005. On
3 May 14th, 2005 that is when the meter was locked
4 again and we removed the meter for the unauthorized
5 consumption.

6 Q All right. And when -- there's a column
7 that states, Read code. And there are several
8 readings -- approximately a half dozen readings that
9 say the word "van," is that a remote meter reading of
10 the particular meter that we've been discussing?

11 A Yes.

12 Q And judging by the number of therms that
13 were shown on those readings, what, if any,
14 information do you ascertain based upon the therms
15 that were recorded by the meter readings?

16 A Based upon the therms that are recorded, I
17 would say that gas was in use. During the colder
18 months you can tell that you usage increased and then
19 when the weather got warmer, the usage decreased. So
20 that would tell me that someone was adjusting the
21 temperature, perhaps, on the thermostat.

22 Q Now, you heard Mr. Pearson testify earlier

1 that the furnace and the hot water tank that services
2 the 7358 South Peoria, First Floor was off during the
3 200- -- October 21st, 2004 through May 14th, 2005
4 period. Do you recall that testimony?

5 A Yes.

6 Q And based upon your experience, if, in
7 fact, the furnace was off and the hot water tank was
8 off, what would you expect to happen to the pipe
9 servicing the store?

10 A Normally during that time period when
11 appliances are off, you are taking a chance on your
12 pipes to burst or freeze. And, also, I would like to
13 add that when there's zero -- when there's no
14 appliances s connected or the appliances are off
15 there will be no consumption on the meter. That
16 means the readings on the meter will be the same each
17 month. There will be zero consumption if everything
18 was completely off.

19 Q Let me show you what's been marked as
20 Respondent's Exhibit 4 for identification. Could you
21 describe what is contained on that exhibit?

22 A This is a service order dated for May 12th,

1 2005 showing that a service person arrived at this
2 premise due to the recorded unauthorized usage. At
3 this time, the meter was read. It was locked off and
4 removed at an index or meter reading of 4342.

5 Q And what was the previous meter reading
6 that was shown when the meter was initially turned
7 off in June of 2003?

8 A When the services were originally locked
9 off per Mr. Pearson's request, the meter reading that
10 was taken at that time was 3109.

11 JUDGE MORAN: And where is that reflected?

12 THE WITNESS: Exhibit No. 2.

13 JUDGE MORAN: Okay. All right. I see it.

14 BY MR. GOLDSTEIN:

15 Q Is there anything else you would like to
16 add with respect to what is shown on what has been
17 marked as Respondent's Exhibit 4 for identification?

18 A No.

19 Q Let me show you what has been marked as
20 Respondent's Exhibit No. 5. This is the bill I
21 assume that was billed to Mr. Pearson, for the first
22 floor at 7358 South Peoria; is that correct?

1 A Yes.

2 Q And would you describe what is contained on
3 that exhibit?

4 A This is a bill dated for December 22nd,
5 2005 billing Mr. Pearson for the unauthorized usage.
6 The total amount of the bill is for \$1,366.05, again,
7 for the unauthorized usage.

8 Q An what period of time does it cover?

9 A This time period is from October 21st of
10 2004 through May 14th of 2005.

11 Q And that relates back to the various actual
12 and remote meter readings for -- that are shown on
13 Respondent's Exhibit 3; is that correct?

14 A Correct.

15 Q Now, between June of 2003 and this bill
16 date of December 22nd, 2005, could you explain why
17 there were no gas bills sent to Mr. Pearson for the
18 7358 South Peoria, First Floor?

19 A The reason that no bills were sent to
20 Mr. Pearson is because of the fact we did not know
21 who was responsible for the unauthorized usage.

22 Q And is there a difference between

1 unauthorized use of gas and a theft of gas?

2 A Yes, there is.

3 Q Could you explain what the difference is?

4 A Unauthorized usage is basically when gas is
5 in use without the Company's consent and in that
6 particular instance, the readings are recorded, we're
7 able to tabulate how much consumption was used at
8 that time.

9 There's -- left of service, we're not
10 able to record the amount that was used because it's
11 not registered through the gas meter.

12 In this instance, unauthorized usage,
13 we are able to calculate how much was used because
14 the gas flows through the meter.

15 Q All right. Let me show you what's been
16 marked as Respondent's Exhibit 6. Would you describe
17 what is shown on that exhibit?

18 A This is a -- meter test results which are
19 standard. Once the meters are removed, two types of
20 tests are performed to verify the accuracy of the
21 meter. This basically states that the meter was
22 registering well within the guidelines of the

1 Illinois Commerce Commission. It also states that
2 the meter passed both of the tests and it also
3 verifies the meter removed index.

4 Q And that meter remove index was what?

5 A The meter remove index which is on Exhibit
6 No. 4 is 4342 and the meter test is 4341, which is a
7 difference of one cubic feet of gas.

8 JUDGE MORAN: Where does that appear? I'm
9 sorry I can't find it.

10 THE WITNESS: On Exhibit No. 6 --

11 JUDGE MORAN: I'm there.

12 THE WITNESS: -- where it gives you at the
13 bottom the read quality --

14 JUDGE MORAN: Yes.

15 THE WITNESS: Quantity, 4343.

16 JUDGE MORAN: Okay.

17 BY MR. GOLDSTEIN:

18 Q And the 1 therm of gas is based upon the
19 testing of the meter?

20 A Correct. Correct.

21 Q And with respect to Peoples Gas Exhibits 1
22 through 6, these are exhibits that are taken from the

1 books and records of Peoples Gas; is that right?

2 A Yes.

3 Q And they are kept in the ordinary course of
4 business by Peoples Gas; is that right?

5 A Yes.

6 Q And you have access to them because of your
7 position with Peoples Gas as a billing specialist; is
8 that right?

9 A Yes.

10 MR. GOLDSTEIN: I have nothing else. I would
11 move into evidence Respondent's Exhibits 1 through 6.

12 JUDGE MORAN: Okay. Do you object to having
13 any of these put into evidence? You know what, I'm
14 going to let you ask questions. You do have
15 questions on these I'm sure. Let's -- let me reserve
16 ruling until you have had an opportunity to ask
17 questions.

18 CROSS-EXAMINATION

19 BY

20 MR. LEE PEARSON:

21 Q My first question is, it's clear here that
22 you guys record use of service beginning in October

1 of 2004. I discontinued service in -- what was it,
2 May of 2003, June of 2003. So my first concern is,
3 would it seem inconsistent that for that first year I
4 went through a winter period and there's no recording
5 for it, so for the fall 2003 through spring 2004
6 there was no use of gas service that you have any
7 record of -- recording of; correct?

8 A Correct.

9 Q Okay. So with that understood, if --

10 JUDGE MORAN: And you're referring to which
11 exhibit?

12 MR. LEE PEARSON: No, it's -- I'll make it
13 Exhibit No. 3 because they start their recording of
14 what they call unauthorized use in October of 2004.

15 JUDGE MORAN: So your reference is to Exhibit
16 No. 3?

17 MR. LEE PEARSON: Correct. Correct.

18 JUDGE MORAN: Thank you.

19 BY MR. LEE PEARSON:

20 Q And I'm just call to go note that there was
21 no use of gas service during the fall of 2003 through
22 spring 2004.

1 Then my next question or my next
2 concern is, you clearly stated at that you guys have
3 the ability to remotely acknowledge any recording of
4 gas usage. So when you get to October of 2004 and
5 you notice a spike or through November 2004 you
6 notice a spike, my first question is:

7 Why was the last owner of record -- it
8 is public record that I am the owner of that
9 facility -- the property, why was I not contacted at
10 all, no written anything?

11 A Normally in this case, the reason that you
12 were originally billed for this usage is because you
13 applied for service and that's when you were notified
14 at that time that there was unauthorized consumption.

15 Again, as I stated earlier, we did not
16 know who was responsible for the usage. We can't go
17 in to just bill all owners of the property because
18 that's unfair. In this instance when I originally
19 talked to you, I asked you at that time did you have
20 any tenants? And at that time you said, No, there
21 were no tenants. Because normally in that instance,
22 we would have said, Okay, provide us with

1 documentation of the tenant. You would provide us
2 with a lease. We would in turn contact that tenant
3 and bill them for the usage. At that time you
4 informed me that the property was vacant, so,
5 therefore, there was no one else for us to bill and
6 you were billed at that time because you owned the
7 property at that point. But we wouldn't have gone in
8 to just bill someone just because they're the owner.
9 We have proper channels that we would need to follow
10 to verify if, indeed, you did have renters.

11 Q But the question I'm asking is, you guys
12 saw a spike in October of 2004. There was no due
13 diligence to say, Wait a minute, are gas services
14 being used and we're not being someone for it, let's
15 go find out what's going on? At a minimum, let's
16 discontinue the service, why was -- who was the owner
17 of record associated with this property so that we
18 can get to the bottom of this and number one,
19 discontinue the service and secondarily, let's try to
20 identify the appropriate person so we can charge
21 back -- this is 2004. I'm looking at over six or
22 seven month time period that you guys continued to

1 allow the gas service to flow and you clearly
2 recorded in October of 2004 that there was -- gas
3 service was being used unauthorized.

4 A Okay. Now where -- your meters are located
5 in the basement; right?

6 Q That's correct.

7 A Okay. If there's any type of effort to
8 disconnect service, if meters are located in the
9 basement -- is your basement locked?

10 Q It is now. It wasn't before.

11 A Because sometimes when we come out and
12 we're not able to gain access, the meters aren't
13 locked right away. We do make many attempts to come
14 out to lock off service but if we're not able to get
15 access, you know, we make more attempts; but in this
16 instance we were not -- for whatever reason, we were
17 not able to get in until 2005.

18 Q But how would you expect to get access with
19 impromptu visits with no notification to the owner?

20 A Normally -- in this time period now, a lot
21 of things have changed. So we do send out letters to
22 the premise and it basically goes in the name of

1 occupant; but I believe in this time period, letters
2 were not -- were not being sent out, they were
3 basically going by each account, making contact
4 through our Revenue Protection Unit.

5 Q Okay. So the point I'm raising here is no
6 contact and how do you guys just immediately say Oh,
7 he's responsible. Why did you not -- why did you not
8 come out and lock the service down and remove the
9 meter, anything of that sort? This is a six to eight
10 month period.

11 A Right. I understand. I don't work for the
12 service department per se, so I can't really say at
13 that time period why it wasn't locked off
14 immediately. Like I said, there's usually some
15 attempts to get in. For whatever reason, if -- you
16 know, sometimes people refuse access. Maybe on that
17 particular day, you know, in the months, you know,
18 the meters were locked off.

19 Q Was there any --

20 A You also have to think about during a lot
21 of the time periods maybe during the warmer -- you
22 know, after March the 31st we start locking off

1 services we disconnect for nonpayment. So not all
2 the time do we have the manpower to go out and
3 disconnect for an unauthorized usage, you know, they
4 concentrate on collection activity. So -- there's a
5 lot of things going on that we're not able to get
6 immediately for, you know, unauthorized usage. It's
7 basically, you know, a higher priority with illegal
8 connections which are usually steels and like I said,
9 for collection activities. So there could be a
10 number of reasons.

11 Q So from the point of them being able --
12 that they can charge someone, they've got all the
13 manpower in the world based upon all the
14 documentation that I received from you guys.

15 Nevertheless, back to my questions.
16 Who validates the meter readings?

17 A What do you mean?

18 Q Meaning, is it an independent party that
19 Peoples Energy engages to validate these meter
20 readings or do they, within their own house, validate
21 these meter readings?

22 A In this instance, there is automatic meter

1 reading device that sits on top of the meter and it
2 allows us to electronically scan that meter from the
3 outside without having to come in. So every single
4 month it registers a meter reading every single
5 month.

6 Q Does Exhibit 6 make reference to it having
7 been sent to a party to investigate and validate that
8 meter reading? That's my understanding of it.

9 MR. GOLDSTEIN: Restate the question again,
10 please.

11 BY MR. LEE PEARSON:

12 Q I'm asking who validates these meter
13 readings? What entity is being utilized? Is it a
14 Peoples Energy segment of or is it an arbitrary
15 party?

16 MR. GOLDSTEIN: Who performed the meter test?

17 MR. LEE PEARSON: Yeah.

18 MR. GOLDSTEIN: Okay.

19 THE WITNESS: When the meters are tested by --
20 the City of Chicago performs a standard test and we
21 also perform our own standard test.

22 BY MR. LEE PEARSON:

1 Q Exhibit 6 is reflected by the City of
2 Chicago or Peoples Gas?

3 A Are both tests. Are both meter test
4 results.

5 Q Exhibit 6 is whose documentation?

6 A These are our company records.

7 Q For Peoples Energy?

8 A Correct.

9 Q Okay. That's what I'm trying --

10 A That information is recorded and documented
11 for our records.

12 Q Is there any documentation associated with
13 an independent party, that being the City of Chicago?

14 A No, I don't have that document with me, no.

15 Q Okay. All right. So where I'm going with
16 that is, this is still within Peoples Energy's house
17 and, of course, they're going to be favored to their
18 own versus me, that's the point that I'm making.

19 A These are our records we don't -- we
20 wouldn't rig up documents.

21 Q I'm not stating you did that.

22 A Is this is information --

1 Q I'm stating that -- the question -- you've
2 answered my question. You've answered my question.

3 So back to this remote meter that you
4 make reference to that you guys were clearly able to
5 identify back in October of 2004 that you saw a spike
6 and maybe I may have missed it, why did you say this
7 didn't disconnect it? Because they showed up and
8 didn't get access or is there anything to
9 substantiate that they attempted to get access to the
10 building?

11 A Again, I answered that question before. It
12 could be a number of reasons. Like I said, I don't
13 work for the service department. I don't recall what
14 was happening during this time period of why they
15 couldn't just disconnect service right away.

16 MR. LEE PEARSON: Okay. Those are the
17 questions I have.

18 JUDGE MORAN: Okay. I have a question.

19 EXAMINATION

20 BY

21 JUDGE MORAN:

22 Q Again on Respondent's Exhibit 3, when it

1 says you've got all these columns and the headings
2 for these columns and you've got a column that says,
3 Item status. Do you see that, it's the seconds
4 column from the left?

5 A Okay.

6 Q What does it mean when it says "after"?

7 A It basically means in order to bill this
8 account, we had to change the account sector from --
9 the account status from inactive to active in order
10 to bill this account because if you take a look at
11 Exhibit No. 1 it says Status, it's inactive.

12 Q Okay.

13 A Any time a bill goes out, it's going to say
14 active.

15 Q Well, what triggers the change from
16 inactive to active?

17 A Because of the fact that gas was in use.

18 Q Just gas in use and not any kind of
19 initiation of service by a customer?

20 A Well, like I said, what happens is that the
21 original accounts was inactive. In order for me to
22 bill the account, the account is going to immediately

1 go into an active status. Once I finalized the
2 account, which was to the date of May the 14th of
3 2005, it's going to go back into a final status. So
4 it doesn't mean that -- because at this point the gas
5 was already off.

6 Q Right.

7 A But in order for me -to.

8 Q According to Peoples Gas Exhibit 1, you had
9 a turn off June 14th of 2003?

10 A Correct.

11 Q I'm looking for a document that is a turn
12 on type of document.

13 A Okay. I don't have that with me. I
14 understand what you're saying.

15 Q There's a missing piece here.

16 A Right. Showing that I did the book work,
17 is that what you're saying, because that would have
18 been the only document because like I said, at this
19 point the gas was already off.

20 Q Show me -- what happened to go from
21 inactive to active, from turn off to turn on?

22 A Right. Because we -- again, this is

1 unauthorized usage. We never went out there and
2 turned it on. The services were turned on without
3 our consent. So we never physically turned the gas
4 back on.

5 Q Okay. So when you turned off, all you did
6 was shut down service?

7 A We locked the meter, right.

8 Q Oh, you did lock the meter?

9 A Yes. On June -- there's an -- Exhibit No.
10 2 shows us locking off the meter on June 14th, 2003.

11 Q Okay. Locking off the meter means what?

12 A That means a pin is put into the meter or a
13 lock or what of type of device they used at that time
14 to shut down the services.

15 Q Okay.

16 A So at that time, you're not able to connect
17 any type of appliances. No services would be able to
18 be in use. Unless, in this case, someone had to have
19 removed that lock some kind of way and turned on the
20 appliances.

21 Q Okay. And from this record, Respondent's
22 Exhibit 3, it will seem that something was removed

1 or that meter was put into -- started recording
2 service in October of 2004?

3 A Correct.

4 Q For the first time?

5 A What I would like to add to that is that if
6 you take a look at Exhibit No. 2, you can show that
7 the meter reading that was recorded at that time was
8 3109. I was able to retrieve a Company reading on
9 October the 21st of 2004 which is 3135. So,
10 basically, in between that time period of June 14th
11 of 2003 and October 21st of 2004, there was
12 approximately 24 cubic feet of gas but I didn't have
13 readings --

14 Q Okay. How much is 24 cubic feet.

15 A That would be -- what do you mean, how
16 much?

17 Q What is that? What does that mean in real
18 life terms.

19 A Therms, the amount of gas that was used
20 that's how --

21 MR. GOLDSTEIN: In number of dollars, how much
22 would that represent?

1 THE WITNESS: 24 cubic feet.

2 MR. GOLDSTEIN: Approximately \$24?

3 THE WITNESS: Approximately. Maybe \$30.

4 BY JUDGE MORAN:

5 Q Okay. So it's minimal use?

6 A Yeah. Yeah.

7 Q Real word --

8 A I didn't want to bill every month.

9 Q Real world use, it's enough to heat my

10 stove for a month?

11 A Yes. Yes.

12 Q Not enough to heat my house for a month?

13 A Correct. Correct. So during that time

14 period instead of sending out a bill for 2 cubic feet

15 for each month, he was just basically billed for the

16 month in which there was a higher amount of

17 consumption.

18 Q Let's go back to that number. 3109 was the

19 read on Exhibit 2 and you start off at 3135 --

20 A So instead of billing, like I said, the 24

21 cubic feet of gas for --

22 Q Which you don't know, which you can't tell

1 me --

2 A Right. So.

3 Q -- as you sit here today, if it was all --

4 the 24 was in one month --

5 A One month.

6 Q -- or spread over a year?

7 A Correct.

8 Q Okay. Now, it seems -- where is my little

9 thing here, my dear trusted drawing, you have and --

10 Miss Weatherall, and only because were you not aware

11 of all these different addresses to this building

12 only brought in documentation for 7358 South Peoria?

13 A That's correct.

14 Q Right?

15 A That's correct.

16 Q Okay.

17 A However, I do want to add that during the

18 break I did make a phone call with another billing

19 specialist to verify the floor locations that we have

20 on record, so I was able to verify that we have on

21 record a total of four apartments.

22 Q Right.

1 A There are two apartments listed at 7354 for
2 first and second floor.

3 Q Thank you.

4 A At 7356, there's one apartment listed and
5 we have it listed on record as a second floor
6 apartment.

7 Q Very good.

8 A At 7358 we show one apartment, which I
9 believe is the --

10 Q 73 --

11 A -- we show as the first floor apartment but
12 he's saying it's a store. So our records have never
13 been updated to show that it's been changed from a
14 first floor to a store.

15 Q Okay.

16 A So maybe the previous owner had -- it
17 wasn't an apartment at one time and then it was
18 converted over to a store but our records show that
19 it's a first floor apartment.

20 MR. LEE PEARSON: Can I clarify something?

21 JUDGE MORAN: Sure.

22 MR. LEE PEARSON: It's never been -- it's

1 always been what it is today, which is a storefront
2 space.

3 MR. GOLDSTEIN: I'm not certain that that's
4 correct, Mr. Pearson. I've got a copy of your
5 apartment lease which we haven't been discussing
6 between the current tenant, Kenneth Jameson
7 (phonetic) dated February 18th, 2006 and it states on
8 there and I obviously haven't been out to the
9 premises but it says, No washer or dryer allowed
10 without the approval of the owner.

11 MR. LEE PEARSON: There is no washer and dryer
12 there. It's a storefront space and there's no --

13 MR. GOLDSTEIN: We don't -- washers and dryers
14 are usually associated with apartment --

15 MR. LEE PEARSON: No, there's no washer and
16 dryer now --

17 MR. GOLDSTEIN: I'm just telling you what is
18 contained on your lease.

19 MR. LEE PEARSON: That's correct.

20 MR. GOLDSTEIN: I have no idea what's there.

21 MR. LEE PEARSON: There's no washer and dryers
22 in any of the apartments. So that has no bearing

1 whatsoever.

2 MR. GOLDSTEIN: But that's one of the reasons I
3 asked for copies of the leases.

4 MR. LEE PEARSON: I see you have it, so I'm now
5 questioning why you even asked.

6 JUDGE MORAN: Okay.

7 THE WITNESS: And then also on this lease that
8 we have it indicates --

9 BY JUDGE MORAN:

10 Q What lease? Wait. Wait. Wait. We're
11 talking about things I know nothing about.

12 MR. LEE PEARSON: Excuse me, I'm sorry, I'm
13 starting to feel there's deceptive practice here in
14 that if there is some documentation, I thought we
15 were being consistent in the documentation that we
16 were discussing and sharing so if there's some
17 subsequent documentation --

18 JUDGE MORAN: Yes. If referring to something,
19 I don't know what you have. You have to mark it as
20 an exhibit, you have to give a copy to both me and
21 to --

22 MR. GOLDSTEIN: I'll be glad to do that. If he

1 doesn't have a copy of his own lease, I'll be happy
2 to --

3 MR. LEE PEARSON: There was no reason for me to
4 bring it.

5 MR. GOLDSTEIN: -- by the way, what I was
6 referring to is stated as an apartment lease --

7 JUDGE MORAN: Yes.

8 MR. GOLDSTEIN: And it says, Apartment 7358
9 South Peoria, First Floor.

10 MR. LEE PEARSON: That's correct.

11 MR. GOLDSTEIN: Okay. That's enough.

12 JUDGE MORAN: I mean, what are we arguing about
13 whether it's a storefront or it's an apartment? What
14 is the difference? Is there a difference.

15 MR. LEE PEARSON: I'm trying to understand
16 where he's going.

17 MR. GOLDSTEIN: I think there is a
18 difference --

19 JUDGE MORAN: In what?

20 MR. GOLDSTEIN: -- it would have been billed.

21 JUDGE MORAN: Is it a different kind of billing
22 are something?

1 MR. GOLDSTEIN: I would think it would be
2 billed as a commercial account as opposed to --
3 THE WITNESS: A commercial.
4 MR. GOLDSTEIN: -- to residential space.
5 JUDGE MORAN: Okay. But wouldn't it --
6 MR. GOLDSTEIN: A rate 1 residential billing
7 if, in fact, the Company --
8 JUDGE MORAN: If it is, in fact, used as a
9 storefront you're saying?
10 MR. GOLDSTEIN: Yes. It would be billed
11 totally different.
12 JUDGE MORAN: Okay. But that's -- that's not
13 an issue here --
14 MR. GOLDSTEIN: I know.
15 JUDGE MORAN: -- because this thing was empty
16 for all this time.
17 MR. GOLDSTEIN: There are a lot of things in
18 this record that are not sort of relevant, but, okay.
19 JUDGE MORAN: Well, yes, okay.
20 MR. LEE PEARSON: I'm sorry. I'm back to the
21 question of --
22 JUDGE MORAN: Yes.

1 MR. LEE PEARSON: -- if there is some
2 additional documentation that is being introduced in
3 this thing, can we get a copy of this discussion?
4 MR. GOLDSTEIN: Sure. I'll be glad to provide
5 you with this.
6 MR. LEE PEARSON: And then back to your
7 point --
8 MR. GOLDSTEIN: I assume you have this already
9 in your records --
10 MR. LEE PEARSON: As it relates to this
11 discussion and you're referencing a document, I would
12 like a copy and you need a copy as well?
13 JUDGE MORAN: Yes, I need a copy also.
14 MR. LEE PEARSON: And secondarily to your
15 point, what this has to do with this previous bill
16 that they're trying to stick me for is a whole
17 another story.
18 JUDGE MORAN: And this is --
19 THE WITNESS: That's a recent lease that's on
20 file.
21 JUDGE MORAN: Okay. We've got to mark this as
22 something because --

1 MR. GOLDSTEIN: You want to mark it as
2 Respondent's Exhibit 7?

3 JUDGE MORAN: Respondent's Exhibit Number --

4 MR. GOLDSTEIN: I means Peoples Gas Exhibit 7,
5 I'm sorry.

6 JUDGE MORAN: -- 7.

7 (Whereupon, Peoples Gas
8 Exhibit No. 7 was
9 marked for identification
10 as of this date.)

11 MR. LEE PEARSON: Like I said, the other thing
12 I would question is with regard to the rate or
13 whatever, that's not something for me to delineate,
14 that's Peoples Energy. I have no bearing on what you
15 guys should -- or what they should charge.

16 MR. GOLDSTEIN: It is what it is.

17 THE WITNESS: But if this is a storefront and
18 our records are showing it's a first floor, we do
19 need to update our records to reflect that it is a
20 store.

21 MR. LEE PEARSON: That's a Peoples Energy
22 issue, not mine.

1 JUDGE MORAN: Well, and you have to know, too,
2 what are they using this for? Have they told you?

3 MR. LEE PEARSON: He's a seamstress and he's,
4 to my knowledge, using it for making clothes so on
5 and so forth. How he had it from that point forward,
6 I can't say.

7 JUDGE MORAN: Okay. All right. Well, it's for
8 a period outside what's at issue here, so I'm not
9 even sure this has relevance. I'm not admitting it
10 yet, I'm just marking it for identification as
11 Respondent's No. 7.

12 Okay. You have no further questions
13 for Peoples Gas?

14 MR. LEE PEARSON: I'm sorry --

15 JUDGE MORAN: At this time and I'm telling you
16 where we're going. We're going to need another
17 session.

18 MR. GOLDSTEIN: Can I ask some redirect if I
19 may?

20 JUDGE MORAN: Sure. Please go ahead.

21 MR. GOLDSTEIN: Just let me talk to my witness
22 for a second I may just have one question. I may

1 have a serious of questions but they all relate to
2 the same thing.

3 JUDGE MORAN: Fine. Please proceed.

4 REDIRECT EXAMINATION

5 BY

6 MR. GOLDSTEIN:

7 Q Now, Judge Moran asked you questions about
8 when there's a change in status between inactive to
9 active, do you recall those --

10 A Yes.

11 Q -- that question or two?

12 Now, on what basis did the account at
13 7358 South Peoria, First Floor goes from inactive to
14 active?

15 A The account went active once the book work
16 was completed by me. Whenever -- an account has a
17 status of active when a person has active service.
18 That means they've applied -- they established
19 service, we've come out and turned them on, they've
20 been established as a customer, the account is
21 active. But in order for me to do book work, I have
22 to create an account and activate an account. Once

1 I've billed him, the account goes final because of
2 the fact that the service is off.

3 Q And when did you speak to Mr. Pearson with
4 respect to his application for service at 7358 South
5 Peoria, First Floor?

6 A I originally spoke to Mr. Pearson once he
7 filed his complaint with the Illinois Commerce
8 Commission. The reason that he originally went to
9 the Illinois Commerce Commission is that his
10 application for service was being denied for the --
11 by the credit department. His application was denied
12 because there was unauthorized usage. At that time,
13 he wanted to get service, so I requested him to find
14 out if there was anyone responsible for that
15 consumption because we didn't want to hold him
16 responsible for someone else's usage. At that time
17 he stated that the property was vacant and that there
18 were no tenants. He was billed because he owns the
19 property.

20 Q And he applied for service prior to the
21 bill date of December 22nd, 2005 which is shown on
22 Respondent's Exhibit 5 bill?

1 A Yes.

2 Q And that bill was issued on what basis?

3 A That bill was issued because we're holding
4 him responsible as the owner of the property.

5 MR. LEE PEARSON: Can I ask a question?

6 MR. GOLDSTEIN: I have nothing else.

7 JUDGE MORAN: Okay. And you have a question,
8 Mr. Pearson?

9 RE-CROSS-EXAMINATION

10 BY

11 MR. LEE PEARSON:

12 Q She just stated they are holding me
13 responsible. Why was I not held responsible back in
14 October of 2004 versus December of 2005?

15 A Because you didn't apply for service at
16 that time. This was brought to your attention when
17 you applied -- when you tried to establish service in
18 December of '05.

19 Q So back to my question --

20 A Again, we can't just send out a bill until
21 we're able to communicate with you. So we can't
22 just --

1 Q You acknowledged me as the owner of record
2 in 2005; correct?

3 JUDGE MORAN: So you don't -- let me clear this
4 up.

5 You don't send a bill to the last
6 known user --

7 THE WITNESS: Until we know all the facts,
8 correct.

9 JUDGE MORAN: -- of the service, you hold those
10 bills sort of in abeyance until --

11 THE WITNESS: We verify.

12 JUDGE MORAN: -- you verify but you really
13 don't verify until someone comes in and asks for
14 service again?

15 THE WITNESS: Correct. Usually.

16 MR. LEE PEARSON: But the point --

17 JUDGE MORAN: Am I clear on this?

18 THE WITNESS: Correct.

19 JUDGE MORAN: Okay. Yes?

20 BY MR. LEE PEARSON:

21 Q No bill was generated prior to December
22 22nd of 2005?

1 A That's correct.

2 Q So to hear you say that you hold the bills,
3 no bill was generated. So I would understand that if
4 you said for these months here are the bills that we
5 generated, here's the documentation associated
6 with -- this got created December 22nd --

7 A Which is after you applied for service --

8 Q -- 2005.

9 A -- and I spoke with you and I verified that
10 you were, indeed, the owner of property and I
11 verified that you had no responsible tenants, that's
12 why I sent you out a bill for that entire time
13 period.

14 Q As I understood her question, she made
15 reference to bills being created --

16 A Right. We do have --

17 Q If I understand what you're stating?

18 JUDGE MORAN: That's a manner of speaking.

19 You've got to understand my question. I'm saying
20 that there's no bill going out -- they're holding all
21 the thing that could be billed --

22 MR. LEE PEARSON: I understand.

1 JUDGE MORAN: So let me clarify that.

2 And that's correct?

3 THE WITNESS: That's correct. The meter
4 readings are stored in the system and it shows an
5 active meter has usage every single month it kicks
6 out.

7 JUDGE MORAN: All right. Are there any further
8 questions by either side?

9 MR. GOLDSTEIN: I have nothing.

10 JUDGE MORAN: We cannot conclude this today.
11 The reason we cannot is because of this little
12 drawing, okay. Because of this building that the
13 service was being used at contains other apartments
14 because I've heard that the meters were all in --

15 MR. LEE PEARSON: A common space.

16 JUDGE MORAN: -- a common space -- don't
17 interrupt me -- in the basement, because Peoples Gas
18 has not had an opportunity to look at these other
19 addresses, we're going to continue this. Peoples
20 will look at these other addresses and find -- I want
21 to see these billing patterns, much like I've seen on
22 your -- is it Exhibit 3, I would like to see that for

1 all these apartments.

2 THE WITNESS: Do you want to see meter readings
3 for the tenants that have active service or do you
4 want to see every tenant?

5 JUDGE MORAN: For anybody that's had service
6 during this period.

7 THE WITNESS: Okay.

8 JUDGE MORAN: And I think we've got some names
9 from Mr. Pearson, we've got them on record today; but
10 since your wife is the better bookkeeper here, I want
11 you to run all these names dates with her, pinpoint
12 as much as you can -- you were a little loose on
13 those dates and times -- and I want you to provide
14 that to Peoples Gas. I want the names of all those
15 tenants.

16 MR. GOLDSTEIN: Well, I also ask for copies of
17 the leases.

18 JUDGE MORAN: And I want the leases and I want
19 you to give --

20 MR. GOLDSTEIN: Also, Judge, if you recall, I
21 also asked for whatever court papers were involved in
22 the various -

1 JUDGE MORAN: And I will put that -- I will put
2 Peoples under the obligation keep that all
3 confidential, okay, in terms of in house, I mean --

4 MR. GOLDSTEIN: The court records themselves
5 are public records, Judge.

6 MR. LEE PEARSON: That's correct. What I'd
7 like to say with regard to that -- to your point that
8 it is public record on behalf of Peoples -- if
9 there's an interest in that documentation, you are
10 welcome to go get it.

11 MR. GOLDSTEIN: I'm asking you provide it.

12 MR. LEE PEARSON: I'm not stating I wouldn't
13 provide it, it's a matter of public record.

14 MR. GOLDSTEIN: I'm not going to do a name
15 search, Judge, when he has the records that are
16 readily available.

17 JUDGE MORAN: I think you should provide that.

18 MR. LEE PEARSON: Okay.

19 JUDGE MORAN: This is to help you out.

20 MR. LEE PEARSON: That's fine.

21 JUDGE MORAN: This is not to hurt you. This is
22 to help you.

1 MR. LEE PEARSON: So the records associated
2 with the evictions.

3 JUDGE MORAN: Any evictions, yeah.

4 MR. GOLDSTEIN: So the record is clear, Judge,
5 what you're asking us to provide --

6 JUDGE MORAN: In other words, you're telling me
7 things I'm asking you for those things. You told
8 me --

9 MR. LEE PEARSON: I can do it, that's fine.

10 JUDGE MORAN: That's all. Do it by handing it
11 over to them and that will help to resolve this case.

12 MR. LEE PEARSON: So I bring it back to
13 whatever the next scheduled meeting is.

14 JUDGE MORAN: You can bring it to your next
15 scheduled meeting but in the meantime, provide it to
16 counsel for Peoples Gas and you have a card for him,
17 for Mr. Pearson?

18 MR. GOLDSTEIN: Yes. He has a copy of my
19 appearance.

20 JUDGE MORAN: Oh, yeah.

21 MR. GOLDSTEIN: Judge?

22 JUDGE MORAN: Yes.

1 MR. GOLDSTEIN: What you are asking us to
2 provide -- just so I'm clear -- is the billing
3 patterns for the October 21st, 2004 to May 14th, 2005
4 time period -- those approximate dates for the
5 other --

6 JUDGE MORAN: Right.

7 MR. GOLDSTEIN: -- apartments that occupied
8 7354 --

9 JUDGE MORAN: 7356; right.

10 MR. GOLDSTEIN: -- South Peoria.

11 JUDGE MORAN: Yes.

12 MR. GOLDSTEIN: We'd be happy to do that and I
13 will provide that --

14 JUDGE MORAN: And any other relevant history
15 much like I have here for this apartment.

16 MR. GOLDSTEIN: I will provide all that to
17 Mr. Pearson one week before the hearing.

18 JUDGE MORAN: Okay. Great.

19 MR. LEE PEARSON: And so that I'm clear as to
20 what I need to provide --

21 JUDGE MORAN: And you are going to were provide
22 copies of the leases for all these --

1 MR. LEE PEARSON: Right. Names and dates of
2 each tenant.

3 JUDGE MORAN: Right. And I want you to work
4 with your wife and pinpoint the dates that all these
5 tenants lived in here from the time that you bought
6 the building -- you bought the building in 2002 all
7 the way through to January 2006.

8 MR. LEE PEARSON: Okay. And provide the
9 eviction records for the related tenants?

10 JUDGE MORAN: Right.

11 MR. LEE PEARSON: No problem. Now let me
12 understand something. As I stated before, it's --
13 the documentation I provide associated with the court
14 records is going to be when I was awarded -- saying,
15 Hey, this person has to move out, that's the extent
16 of it. Now, do you mean, like, the sheriff going
17 out, that documentation? I'm not clear about that.

18 JUDGE MORAN: No. Just the basic eviction
19 judgment that you got.

20 MR. LEE PEARSON: Okay. Okay. All right.

21 JUDGE MORAN: I don't need everything to do
22 with the case.

1 MR. LEE PEARSON: That's what I wanted to be
2 clear about.

3 MR. GOLDSTEIN: I would again move into
4 evidence Respondent's Exhibits 1 through 6, Judge.

5 JUDGE MORAN: Okay. And you've questioned on
6 these and I don't assume you have an objection to
7 this going in. This is going to be part of the
8 record which is a part of the record that I'm going
9 to use to make my order and what the Commission will
10 have to make its decision on your case.

11 MR. LEE PEARSON: Understood. My only question
12 is with regard to this Exhibit No. 7 that was --

13 JUDGE MORAN: 7 is not add at issue. 1 through
14 6 only.

15 MR. LEE PEARSON: Okay.

16 JUDGE MORAN: That is admitted.

17 (Whereupon, Respondent's
18 Exhibit Nos. 1 through 6 were
19 admitted into evidence as
20 of this date.)

21 JUDGE MORAN: Exhibit 7, I'm not putting that
22 in.

1 MR. GOLDSTEIN: I may or may not -- I may or
2 may not move that into evidence, Judge, at a later
3 time --

4 JUDGE MORAN: Exactly.

5 MR. GOLDSTEIN: -- at the next hearing.

6 JUDGE MORAN: It's a stand alone -- Complaint's
7 Exhibit No. 1 definitely admitted.

8 (Whereupon, Complainant's
9 Exhibit No. 1 was
10 admitted into evidence as
11 of this date.)

12 MR. GOLDSTEIN: 1 through 6 was -- Peoples Gas
13 1 through 6 are admitted?

14 JUDGE MORAN: Yes, they're admitted.

15 Now, let's pick a date. We have to
16 pick a date for the next time we can continue this
17 case. And I want to give enough time for everybody
18 to get their information together, okay. So I assume
19 we have to do -- do you work, Mr. Pearson?

20 MR. LEE PEARSON: Yes.

21 JUDGE MORAN: Days or nights, what are your
22 hours?

1 MR. LEE PEARSON: Days. Days. I work days,
2 9:00 to 5:00.

3 JUDGE MORAN: Oh, boy. So what's a good time
4 for you to get down here? I don't want you to
5 miss -- mornings or afternoons, what's better for
6 you?

7 MR. LEE PEARSON: I would probably say later
8 afternoon.

9 JUDGE MORAN: Later in the afternoon, probably
10 about 2:00?

11 MR. LEE PEARSON: 3:00 would be even better,
12 towards the later part of the week.

13 JUDGE MORAN: Okay. Can we do something late
14 in the afternoon in May, Mr. Goldstein?

15 MR. GOLDSTEIN: What dates are we looking at?

16 JUDGE MORAN: I'm not looking at any dates
17 right now. I'm looking for you to tell me. I know
18 there's something going on May 12th as far as I know
19 but I'm pretty free in May.

20 MR. GOLDSTEIN: I have a 2:00 o'clock matter on
21 May 11th involving Peoples Gas if you want to put
22 this at 3:00 o'clock, I think that would work.

1 JUDGE MORAN: Okay. How's that?

2 MR. LEE PEARSON: May 11th?

3 JUDGE MORAN: May 11th at 3:00 o'clock.

4 MR. LEE PEARSON: I think that's okay. What

5 day does that fall on?

6 JUDGE MORAN: It's a Thursday. Late in the

7 week, late in the day just like you wanted, you're

8 winning here, boy.

9 All right. Let's see. We are

10 continuing this case now. All the parties know what

11 their obligations and responsibilities are in the

12 meantime.

13 We're continuing this case to May

14 11th, 2006 at 3:00 p.m.

15 MR. LEE PEARSON: And did I understand

16 correctly, I'll receive documentation from you a week

17 in advance of this?

18 MR. GOLDSTEIN: Yes, you will. I would

19 appreciate likewise the --

20 MR. LEE PEARSON: That's fine.

21 JUDGE MORAN: Okay. And today's the 11th, so

22 it's exactly a month, so that's good. Okay.

1 (Whereupon, the hearing in the
2 above-entitled matter was
3 continued until May 11, 2006, at
4 3:00 p.m.)

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